

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

PAMELA R. HOWLAND §
v. § CIVIL ACTION NO. 6:10-CV-569
COMMISSIONER, SOCIAL SECURITY §
ADMINISTRATION

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that the decision of the Commissioner be affirmed and the complaint be dismissed. Plaintiff has filed written objections.

Having made a *de novo* review of the objections filed by Plaintiff, the Court finds that the findings, conclusions and recommendation of the Magistrate Judge are correct. Plaintiff contends in her objections that the ALJ and the Report of the Magistrate Judge failed to adequately consider her mental impairment, including not considering a Global Assessment of Functioning (“GAF”) score of 49 as “disabling,” and similarly did not adequately consider an opinion by a nurse practitioner, Natasha Simmons. However, the Magistrate Judge’s Report does fully address both issues. As the Magistrate Judge pointed out, a GAF score alone is not determinative of disability, as Plaintiff suggests. *See Scott v. Astrue*, 2010 WL 5628725, at *4 (N.D. Tex. Nov. 15, 2010) (citing cases and regulatory authority). The ALJ adequately considered other medical evidence of record to determine the Plaintiff’s functional ability.

Similarly, aside from the ALJ’s and the Magistrate Judges’ determinations that Nurse Practitioner Simmons’ opinion was conclusory and not an “acceptable medical source,” *see* 20

C.F.R. §§ 404.1513(a) and 416.913(a), other evidence in the record, including Plaintiff's own testimony, Tr. at 33, supported a finding that her mental impairment was controlled with medication. Therefore, Plaintiff's objections are without merit and will be overruled. There is substantial evidence in the record supporting the Commissioner's decision. The findings and conclusions of the Magistrate Judge are therefore adopted as those of the Court.

In light of the foregoing, it is

ORDERED that Plaintiff's objections are hereby **OVERRULED**. It is further

ORDERED that the decision of the Commissioner is **AFFIRMED** and the complaint is hereby **DISMISSED WITH PREJUDICE**. It is further

ORDERED that any motion not previously ruled on is **DENIED**.

It is SO ORDERED.

SIGNED this 31st day of January, 2012.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE